

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SONIA MARTINEZ, o/b/o AMT,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner
of Social Security,

Defendant.

No. CV-2:13-3028-JPH

**ORDER GRANTING DEFENDANT'S
MOTION FOR SENTENCE SIX
REMAND**

On May 20, 2013, defendant filed a motion to remand this case pursuant to sentence six of 42 U.S.C. § 405(g). ECF No. 11. Plaintiff did not file a response. The parties have consented to proceed before a magistrate judge. ECF No. 7.

Defendant is correct that the cited provision allows the court, on motion of the Commissioner for good cause shown and before filing an answer, to remand the case to the Commissioner for further action by the Commissioner. In sentence six remands, the court retains jurisdiction over the action pending further administrative development of the record. The Commissioner asserts the oral transcription of the record contains many inaudible portions and the transcribed sections are not faithful to the hearing as it was held. ECF No. 11 at 2.

After consideration,

IT IS ORDERED:

1. Defendant's motion for a sentence-six remand, **ECF No. 11**, is **GRANTED**.
2. On this Court's order to remand, the Appeals Council will remand the case to an ALJ

1 to conduct a de novo hearing.

2 3. This court retains jurisdiction over the case.

3 4. If the outcome of the de novo hearing is unfavorable to plaintiff, she may seek
4 judicial review by reinstating this case rather than by filing a new complaint.

5 5. If the outcome is favorable to plaintiff, the parties will move this Court for entry of
6 judgment.

7 This remand is pursuant to sentence six of 42 U.S.C. 405(g), prior to defendant filing
8 her answer and for good cause shown.

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10 **IT IS SO ORDERED.**

11 **DATED** this 14th day of June, 2013.

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14 S/ James P. Hutton
15 JAMES P. HUTTON
16 UNITED STATES MAGISTRATE JUDGE
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